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DATE FILED: 007 8 11 2 2  
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**WILENTZ, GOLDMAN & SPITZER P.A.**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
LOLA BODANSKY,

Plaintiff,

v.

FIFTH ON THE PARK CONDO, LLC  
EYTAN BENYANIN and  
ROBERT EZRAPOUR,

Defendants.  
-----X

No. 09 CV 4651 (DLC)

**NOTICE OF APPEAL**

S.D. OF N.Y.

FILED  
U.S. DISTRICT COURT  
2010 FEB 22 PM 2:24

STEVE BERGEN and LYNNE  
SCHALMAN,

Plaintiffs,

v.

FIFTH ON THE PARK CONDO, LLC  
EYTAN BENYANIN and  
ROBERT EZRAPOUR,

Defendants.  
-----X

No. 09 CV 6433 (DLC)

**NOTICE IS HEREBY GIVEN THAT** Plaintiffs Lola Bodansky, Steve Bergen and

Lynne Schalman hereby jointly appeal to the United States Court of Appeal for the Second

FEB 22 2010

666668-555-70

Circuit pursuant to FED. R. APP. PROC. 3(b)(1) from the Judgment of The Honorable Denise L. Cote, U.S.D.J. that defendants, Fifth on the Park Condo, LLC, Eytan Benyanin, and Robert Ezrapour, are exempt from the Interstate Land Sales Full Disclosure Act's registration and disclosure requirements pursuant to the 100 Lot Exemption, 15 U.S.C. §1702(b)(1) and the Improved Lot Exemption, 15 U.S.C. §1702(a)(2), and dismissing Plaintiffs' claims for rescission of their purchase agreements, return of their deposits and interest, and payment of attorneys' fees, entered in this action on the 30<sup>th</sup> day of January, 2010 (Docket No. 23).

**WILENTZ, GOLDMAN & SPITZER P.A.**  
Attorneys for Plaintiffs Lola Bodansky, Steve  
Bergen and Lynne Schalman

By: 

LAWRENCE C. WEINER, ESQ.

Dated: February 22, 2010